



**STATE OF CALIFORNIA, COUNTY OF SIERRA
BOARD OF SUPERVISORS
ACTION/SUMMARY MINUTES
REGULAR MEETING**

Lee Adams, District 1

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Peter W. Huebner, District 2

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Jim Beard, District 4

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The Sierra County Board of Supervisors met in regular session commencing at 9:00 a.m. on June 18, 2013 in the Loyalton Social Hall, in the Loyalton City Park, Loyalton, CA.

PLEDGE OF ALLEGIANCE: Led by Supervisor Roen

ROLL CALL

Present: Lee Adams, Supervisor, District #1
Peter W. Huebner, Supervisor, District #2
Paul Roen, Supervisor, Vice-Chair, District #3
Jim Beard, Supervisor, District #4
Scott A. Schlefstein, Chair, Supervisor, District #5

Staff: Heather Foster, County Clerk-Recorder
Christian Curtis, Deputy County Counsel
Van Maddox, Auditor/Treasurer Tax-Collector
Tim Beals, Director of Planning and Transportation
Janice Maddox, Director of Health and Human Services
Laura A. Marshall, Assessor/Solid Waste Fee Administrator

APPROVAL OF CONSENT AGENDA

The Board moved to approve the Consent Agenda.

APPROVED. Motion: Adams/Huebner/Unanimous Roll Call Vote: 5/0

13. CONSENT AGENDA

13.A. Agreement for professional services for psychiatric services between Thomas Bittker, MD and the County of Sierra for Fiscal Year 2013/2014.

APPROVED, AGREEMENT 2013-059

13.B. Agreement for professional services for psychiatric services between Eric Rubinstein, MD and the County of Sierra for Fiscal Year 2013/2014.

APPROVED, Agreement 2013-060

13.C. Agreement for detoxification services between Clean and Sober Detox and the County of Sierra for Fiscal Year 2013/2014.

APPROVED, Agreement 2013-061

13.D. Agreement for professional services between Clean and Sober Living and Sierra County for Fiscal Year 2013/2014.

APPROVED, Agreement 2013-062

13.E. Amendment to Agreement 2012-113 between the California Department of Corrections and Rehabilitation (CDCR) and Sierra County to provide bed space and house low level inmates.

APPROVED, Agreement 2013-063

13.F. Amendment to Agreement 070156 with California CAD Solutions, Inc., for maintenance of County Geographical Information Systems (GIS) Map.

APPROVED, Agreement 2013-064

13.G. Approval of quote # 112263218-1 from Lilien Systems for server maintenance agreement on the Hewlett Packard (HP) rp3440 server.

APPROVED.

13.H. Renewal of contract for Public Defender Services with J. Lon Cooper.

APPROVED, Agreement 2013-065

13.I. Resolution approving agreement for Federal Apportionment Exchange Program and State Match Program California Department of Transportation-NonMPO County (X13-5913(057).

ADOPTED, Resolution 2013-056

APPROVED, Agreement 2013-066

13.J. Amendment to Agreement 2013-039, revising the scope of work for professional services between the County of Sierra and Fred J. Campbell dba Criminal Justice Research Foundation.

APPROVED, Agreement 2013-067

APPROVAL OF REGULAR AGENDA

At the request of Supervisor Beard, Regular Agenda Item 10.C. was pulled from the agenda.

10.C. Discussion/direction regarding the rules and regulations for disposing of solid waste at County transfer stations and Loyalton landfill. (Supervisor Beard)

The Board moved to approve the Regular Agenda as amended.

APPROVED, as amended. Motion: Huebner/Roen/Unanimous Roll Call Vote: 5/0

REGULAR AGENDA

2. PUBLIC COMMENT

At 9:05 a.m. Chairman Schlefstein opened the public comment opportunity.

Undersheriff Jim Concannon briefly reported on the Sheriff's condition indicating he should be back in action tomorrow.

At 9:06 a.m. Chairman Schlefstein closed the public comment opportunity with no further persons addressing the Board.

3. COMMITTEE REPORTS & ANNOUNCEMENTS

Supervisor Adams complimented County staff for their work on the new County website and also commented on the new photos hanging in the Social Hall.

Supervisor Beard provided a brief update on AB 900 and thanked the Director of Planning for his help.

4. DEPARTMENT MANAGERS' REPORTS & ANNOUNCEMENTS

The Director of Planning reported on a RecTech meeting tomorrow; a meeting with City of Loyalton representatives and FEMA representatives to clarify the FEMA maps being published; an Economic and Development meeting tomorrow morning; a Sierra Brooks Water meeting tomorrow night; the Sierra County Firesafe and Watershed Council having expressed interest in leasing an office in the Sierraville School; and also an email he forwarded from Anne Westling regarding opinions on how the RAC funds should be expended.

The Director of Health and Human Service reported on the 1991 realignment noting the Governor has agreed to do a 60/40 split of the Public Health realignment funding. The Director added that 60% for Sierra County is approximately \$72,000 which would create a significant problem for Environmental Health; however they have provided a vehicle to go before the Committee to argue for a different formula.

5. FOREST SERVICE UPDATE

Mr. Craig Wilson, District Biologist provided an update on various projects in the District.

6. HEALTH AND HUMAN SERVICES – Janice Maddox

- 6.A. Resolution authorizing expenditure in an amount not to exceed \$4,563 from budget 5670 to Dryden Plumbing and Heating to attach a Rheem 3-ton A/C unit to an existing heating system at the Sierra County Wellness Center and approving an agreement to complete the project between Dryden Plumbing and Heating and the County of Sierra.

The Board moved to adopt the resolution and approve the agreement.

ADOPTED, Resolution 2013-057 and **APPROVED**, Agreement 2013-068.
Motion: Adams/Roen/Unanimous Roll Call Vote: 5/0

7. PUBLIC WORKS/TRANSPORTATION – Tim Beals

- 7.A. Authorization to issue a request for proposals for the Project Approval and Environmental Document (PA&ED); Right of Way (RW); and Plans, Specifications and Engineering (PS&E) phases of the North Fork Yuba River Bridge at Jim Crow Road.

Following a brief introduction by the Director of Public Works, the Board moved to authorize issuing a request for proposals for the Project Approval and Environmental Document (PA&ED); Right of Way (RW); and Plans, Specifications and Engineering (PS&E) phases of the North Fork Yuba River Bridge at Jim Crow Road.

APPROVED. Motion: Adams/Huebner/Unanimous Roll Call Vote: 5/0

- 7.B. Presentation of bids and adoption of resolution awarding contract on the Loyalton Landfill Groundwater Monitoring Well/Soil Gas Probe Installation Project 2013.

The Director of Public Works explained there were some irregularities in the bids received for the project. Both bidders failed to submit a page required by the bid specs. Both irregularities were not significant. The Board needs to decide whether to proceed with awarding the bid to the low bidder or take the cautious road and rebid the project.

Following discussion, the Board moved to reject all bids and to rebid the Loyalton Landfill Groundwater Monitoring Well/Soil Gas Probe Installation Project 2013.

In response to Supervisor Beard's inquiry, the Director indicated the cost to rebid the project is approximately \$200-300 and four to six hours of staff time.

APPROVED. Motion: Adams/Huebner/Unanimous Roll Call Vote: 5/0

- 7.C. Resolution authorizing Auditor to implement changes to the Fiscal Year 2012/2013 final budget to increase revenues and expenditures relative for two State Transportation Improvement Program (STIP) projects, Ridge Road Rehabilitation and Little Truckee River Bridge.

The Board moved to adopt the resolution authorizing Auditor to implement changes to the Fiscal Year 2012/2013 final budget to increase revenues and expenditures relative for two State Transportation Improvement Programs (STIP) projects, Ridge Road Rehabilitation and Little Truckee River Bridge.

ADOPTED, Resolution 2013-058. Motion: Roen/Huebner/Unanimous Roll Call Vote: 5/0

- 7.D. Resolution expressing strong concern over the proposed listing by the United States Fish and Wildlife Service of three Sierra amphibians.

Following a brief introduction by the Director of Public Works, the Board moved to direct the preparation and submittal of a comment letter and a separate letter requesting a 30 day extension. Supervisors Roen and Beard appointed to work with the Director on preparing the letters.

APPROVED. Motion: Beard/Huebner/Unanimous Roll Call Vote: 5/0

The Board moved to adopt the resolution expressing strong concern over the proposed listing by the United States Fish and Wildlife Service of the three Sierra amphibians.

APPROVED, Resolution 2013-059. Motion: Roll Call Vote: 5/0

11. TIMED ITEMS

11.A. 9:45 AM TAHOE PYRAMID BIKEWAY PROJECT

Presentation by Ted Fuetsch representing the Tahoe Pyramid Bikeway Project giving an update on the trail project in Sierra County along the Truckee River.

Mr. Ted Fuetsch representing the Tahoe Pyramid Bikeway Project provided an overview of the project and also referred the Board to their website at www.tpbikeway.org. Mr. Fuetsch continued to review how the Board can help them and other users of bike paths by speaking to the Governor of California with regards to retaining separation of the Recreation Trails funds from the Transportation funds; the Department of Fish and Wildlife and Forestry Department for approvals to work their way up the river, and also with respect to two deteriorating bridges that Nevada County has decided to tear down even though they are capable of handling cyclists and walking traffic.

The Director of Planning indicated that Mr. Fuetsch is here to promote a concept that would link up components of a master trail to provide linkage into Sierra and Plumas counties. The Director added that he believes this is an exciting opportunity for the County to engage in the master planning activities that would identify these linkages and give the County a substantial finding when seeking grants for recreational trails.

11.B. 10:00 AM HUMBOLDT/TOIYABE NATIONAL FOREST

Presentation and update by William Dunkelberger - Humboldt/Toiyabe National Forest Supervisor and Genny Wilson, District Ranger - Carson Ranger District, on forest projects, issues, and items of common interest with Sierra County.

No one present.

10. BOARD OF SUPERVISORS

- 10.A. Resolution of Appreciation for Frank Lang, N.P. recognizing him upon the occasion of his retirement, for 37 years of continuous valuable service to the communities of Sierra County. (Supervisor Adams)

The Board moved to adopt the resolution of appreciation for Frank Lang, N.P. recognizing him upon the occasion of his retirement, for 37 years of continuous valuable service to the communities of Sierra County.

ADOPTED. Motion: Adams/Roen/Unanimous Roll Call Vote: 5/0

- 10.E. Appointment to the Economic Development Committee. (Chairman Schlefstein)

The Board moved to appoint Greg Williams to the Economic Development Committee.

APPROVED. Motion: Adams/Huebner/Unanimous Roll Call Vote: 5/0

- 10.F. Appointment to the Sierraville Cemetery District #5. (Chairman Schlefstein)

The Board moved to appoint Gretchen Selfridge and Diane Schermerhorn to the Sierraville Cemetery District #5.

APPROVED. Motion: Roen/Adams/Unanimous Roll Call Vote: 5/0

9. COUNTY SERVICE AREA BOARD OF DIRECTORS

At 10:19 a.m., Chairman Schlefstein recessed the Regular Board meeting and reconvened as the County Service Area Board of Directors.

At 10:35 a.m., Chairman Schlefstein adjourned as the County Service Area Board of Directors and reconvened as the County Board of Supervisors with all members present.

11.C. 10:30 AM SAGEHEN CREEK FIELD STATION

Presentation and informational update by Jeff Brown, Director, Sagehen Creek Field Station, University of California Berkley, including history of the field station, current research, and its relationship to the broader network of regional research areas.

Mr. Jeff Brown presented a video on the last 50 years of the field station. Mr. Brown continued to review the most current projects including the Sagehen Forest

project; the Highway 89 Stewardship Team project; the Lahontan Cutthroat Trout project; the Nevada Museum of Art's 50 year art project focused on the shifting climate and the effect on the Sierra's; and also a small project at Sagehen on the red ants called "slave makers".

In response to Supervisor Roen's inquiry, Mr. Brown noted there have been no appeals on the Sagehen project, only letters in support.

The Director of Planning questioned if there is anything the Board can do to interact on a greater level with the Field Station.

Mr. Brown responded that the Board has always been very supportive of Highway 89 Stewardship Team and believes it would behoove the Board to invest some time in the Sagehen Forest project.

11.D. 11:00 AM PUBLIC HEARING - CLERK-RECORDER FEE SCHEDULE

Conduct public hearing and introduction and first reading of an ordinance adding Section 5.50.015 to Chapter 5.50 of the Sierra County Code to replace and update the Master Fee Schedule pertaining to fees for the Sierra County Clerk-Recorder, Clerk of the Board and Registrar of Voters.

At 11:13 a.m. Chairman Schlefstein opened the public hearing.

The Clerk-Recorder briefly reviewed the proposed fee schedule.

The Board moved to introduce and waive the first reading of an ordinance adding Section 5.50.015 to Chapter 5.50 of the Sierra County Code to replace and update the Master Fee Schedule pertaining to fees for the Sierra County Clerk-Recorder, Clerk of the Board and Registrar of Voters.

APPROVED. Motion: Adams/Huebner/Unanimous Roll Call Vote: 5/0

At 11:17 a.m. Chairman Schlefstein closed the public hearing with no persons addressing the Board.

7.E. Resolution adopting 2013-2014 County solid waste disposal budget.

8.A. Adoption of Solid Waste Fees for the 2013/2014 fiscal year.

The Director of Public Works reviewed the budget indicating that because of the environmental compliance and the issues with respect to the groundwater testing it was clear there was going to be a deficiency in the budget which would either necessitate the consideration of an increase of the solid waste fee or a reduction in costs somewhere. It was clear to the Committee and to staff that the Board needed to seriously consider an increase in the fee to cover the increased costs.

It was clarified that the fee increase is a staff recommendation.

Supervisor Beard indicated that he received several phone calls expressing concerns over the fee increase.

The Auditor pointed out that for years the County has run the landfill on a shoestring and has not funded the closure fund at the rate it should be. The Auditor further recommended a \$3 increase in order to fund the closure fund properly.

County Counsel noted the Board needs to take into consideration that the regulatory environment is becoming more onerous and is increasing the overall costs of the system. To the extent that the landfill has a limited life to it, the County is making a pledge of future revenues to cover any future regulatory compliance issues that we don't have money set aside for. County Counsel further reviewed the citizenry's right to veto the approval of the fees and the potential in the future wherein the fees are vetoed and the County would have to pay for the system out of the general fund.

In response to Supervisor Adams' inquiry regarding whether this is a responsible fee increase, the Solid Waste Fee Administrator indicated she believes the County will need the funding as the County will have to close the landfill sooner than expected. If the Board raised the fee by \$2 to \$15.59 per yard for the homeowners it comes out to \$22.09 per month or \$265 annually per residence which is an increase of \$34 over the existing fee. If the fee was increased by \$3 to \$16.69 per yard, this comes to \$23.64 per month which is a \$52.7 increase per year.

Following considerable discussion, Supervisor Adams expressed the need to pay for the system as we go and he is not comfortable with sticking the bill with those that come after them. Supervisor Adams added that as much as he doesn't want to increase the fee, the County doesn't have a lot of choices and he is prepared to follow the Auditor's recommendation to raise the fee by \$3.00.

Supervisor Adams moved to increase the solid waste fee by \$3.00.

Supervisor Beard indicated that he cannot support an increase based on an assumption of a threat in the future.

County Counsel noted that he has been involved in solid waste management issues for over a quarter of a century and the regulatory environment has been on an inclining path and the County will find the operation of the solid waste system to be more expensive in the future as a result of the regulatory environment.

Chairman Schlefstein expressed concerns with increasing the fee as the property owners cannot afford an increase.

Supervisor Beard added that a "NO" vote on this increase would be the County's statement to the state that the increase in environmental control needs to plateau.

In response to the Board's comments, the Director clarified that the proposed budget shows a \$2.00 increase and the \$165,000 is not a threat from the state; this is real costs towards compliance orders issued by the State of California over methane, groundwater monitoring and acquisition of additional property surrounding the landfill. What is recommended is to take \$50,000 out of the trust fund for correctable action and pay for the acquisition of property. The remaining \$115,000 would be paid for out of a \$2 increase which generates \$100,000.

The Auditor reiterated that by increasing the fee by \$3, it adds an extra \$50,000 to the closure/post closure fund. If we wait until we close the landfill, it is that much more money the County didn't put away and will have to find.

Supervisor Adams clarified the reason for his motion to increase the fee by \$3 is that he doesn't want to have to escalate the fee faster in the future.

Supervisor Beard indicated that he can't support a fee increase as the reality is people on a fixed income can't afford an increase.

The motion died for a lack of a second.

The Board moved to increase the solid waste fee by \$2.00.

The Director explained that to fund this service the County has to either raise fees or decrease costs. The County has an obligation and a set of laws to follow and he needs the guidance of the Board to move through the next fiscal year with this service. If the Board is not supportive of a fee increase then other revenues have to be secured or costs have to be reduced; this has to be resolved by the end of the month.

Discussion ensued regarding the need to cut \$100,000 from the budget if the fee is not increased; if the Board votes to increase the fee, property owners have an opportunity to mail in a written protest under Proposition 218; moving to gate fees which would be substantially higher; and possible savings from closing transfer stations and the landfill a couple of days versus increasing the fees.

APPROVED (\$2.00 fee increase). Motion: Adams/Roen/Passed Roll Call Vote: 3/2 (Chairman Schlefstein and Supervisor Beard NO)

The Board moved to adopt the resolution adopting 2013-2014 County solid waste disposal budget.

ADOPTED, Resolution 2013-060. Motion: Adams/Roen/Passed Roll Call Vote: 4/1 (Supervisor Beard NO)

The Board moved to adopt the Solid Waste Fees for the 2013/2014 fiscal year at \$265.03 per year (per each residential unit on the property), nonresidential users at the rate of \$15.59 per loose cubic yard (Exhibit A nonresidential listing with \$2.00 fee

increase), and setting the public hearing for 10:00 a.m. August 20, 2013 in the Social Hall Located at 105 Beckwith Street, Loyalton, CA. At the request of County Counsel the resolution was also amended to include the following statement at the bottom of last page of the resolution:

“Property owners may appeal the Solid Waste Fee. Procedures for appeals are set out in Sierra County Code Chapter 8.05. Information concerning appeals may be obtained from the County Solid Waste Fee Administrator – phone number is 530-289-3283.”

ADOPTED as amended, Resolution 2013-061. Motion: Adams/Huebner/Passed Roll Call Vote: 3/2 (Supervisor Beard and Chairman Schlefstein NO)

10.D. Discussion/direction regarding leasing property in Loyalton for County Library; Board action may consist of terminating or modifying existing lease and/or award of new lease. (Chairman Schlefstein)

Chairman Schlefstein introduced the item noting the library contract is now higher than current rental market.

Ms. Elizabeth Morgan, Loyalton addressed the Board explaining she bought the property back in 2000 and there was already a lease in place with the County from the previous landowners. Ms. Morgan further referred to the most recent lease agreement in 2006, noting the five percent increase has never been five percent and if the County doesn't like this in their leases, the County should change the terms of the agreement. Ms. Morgan added that she has not been receiving a five percent increase and is willing to work with the County to reduce the costs. She also hasn't charged for water or sewer which is in the contract.

Chairman Schlefstein indicated that he was looking for ways to reduce costs and there was another building available a block away at \$500 a month rent. He is willing to work on lowering the amount of rent and now is the time to do so.

County Counsel indicated the need for a proposal from Ms. Morgan on what her terms are for rent.

Following further discussion regarding the terms of the current lease and by consensus, the Board referred the review of the terms of the existing lease to an Ad Hoc Committee consisting of Chairman Schlefstein and Supervisor Beard.

10.B. Discussion/direction on rescinding the approval of the assignment of emergency service radios to the members of the Board of Supervisors. (Supervisor Huebner)

Supervisor Huebner briefly explained that he knows the funding is coming from the Homeland Security Grant, however in talking to the fire department they need all of

the radios. So, he doesn't believe it is appropriate at this time to give the radios to the Board due to the current budget situation.

The Board moved to rescind the approval of the assignment of emergency service radios to the members of the Board of Supervisors.

APPROVED. Motion: Huebner/Adams/Passed Roll Call Vote: 3/2 (Supervisor Beard and Chairman Schlefstein NO)

12. CLOSED SESSION

12.A. Closed Session pursuant to Government Code Section 54956.9 to discuss the following litigation: in regards to unnamed juvenile - Sierra Juvenile Court Case No. 984.

12.B. Closed Session pursuant to Government Code Section 54957 - performance review regarding County Counsel.

The Board met in closed session from 12:52 p.m. to 1:14 p.m. With regards to the performance review regarding County Counsel there is nothing to report.

County Counsel noted with regards to the unnamed juvenile matter the Board has been advised with regards to the conclusion and has also acknowledged that no further action is necessary at this time.

ADJOURN

At 1:14 p.m., with no further business, Chair Schlefstein adjourned the meeting.

SCOTT A. SCHLEFSTEIN, CHAIR
BOARD OF SUPERVISORS

ATTEST:

HEATHER FOSTER
CLERK TO THE BOARD